

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

SAM CARTER, Individually and on	)	
Behalf of All Others Similarly	)	
Situated,	)	
Plaintiff,	)	
v.	)	Case No. 1:17-cv-00433-LMM
EARTHLINK HOLDINGS CORP.,	)	
JOSEPH F. EAZOR, SUSAN D.	)	
BOWICK, KATHY S. LANE,	)	
GARRY K. MCGUIRE, R.	)	
GERARD SALEMME, JULIE A.	)	
SHIMER, MARC F. STOLL, and	)	
WALTER L. TUREK,	)	
Defendants.	)	

**STIPULATION AND [PROPOSED] ORDER CLOSING AND  
TERMINATING THE ACTION**

WHEREAS, on February 21, 2017, the Court entered an order dismissing the claims asserted in the above action and retaining jurisdiction solely for considering any application for an award of attorneys' fees and expenses;

WHEREAS, the parties have reached agreement with respect to payment of attorneys' fees and expenses, in full satisfaction of any claims for the above Plaintiff's attorneys' fees or expenses;

There being no further issue for the Court to consider, the Court, at the request of Plaintiff, hereby issues the following order:

1. This Action is closed and terminated. The Court no longer retains jurisdiction to consider any application for an award of attorneys' fees and expenses.

Dated: March 17, 2017

Respectfully submitted,

/s/ David A. Bain

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United States District Judge